

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

YONG JUN KANG, et al,  
Defendants.

No. CR06 - 298 JCC

In re Material Witness:

SUK YEON KIM

DETENTION ORDER

Material Witness

Charge: Material Witness

Date of Detention Hearing: August 25, 2006.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. §§ 3142(f) and 3144, and based upon the factual findings and statement of reasons hereafter set forth, finds that detention is necessary to adequately secure the testimony of the material witness, and to prevent a failure of justice.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Ms. Kim was arrested on a material witness warrant in a matter currently pending before the grand jury, upon a finding that she had material evidence to provide and that it was impracticable to secure her presence by subpoena. She made her initial appearance in this Court on August 25, 2006.

01 (2) The United States has moved to detain Ms. Kim pursuant to 18 U.S.C. § 3144  
02 pending her appearance before the grand jury.

03 (3) There is an immigration detainer lodged against the witness.

04 (4) Defendant has stipulated to detention, but reserves the right to contest her  
05 continued detention if there is a change in circumstances.

06 (5) The material witness is viewed as a risk of nonappearance based on her  
07 unknown background information and lack of information about any ties to this community  
08 or to the Western District of Washington.

09 (6) The Court finds that further detention is necessary to prevent a failure of  
10 justice. The material witness will be detained until her testimony can adequately be secured.

11 It is therefore ORDERED:


12 (1) The material witness shall be detained pending the taking of her testimony and  
13 committed to the custody of the Attorney General for confinement in a  
14 correction facility separate, to the extent practicable, from persons awaiting or  
15 serving sentences, or being held in custody pending appeal;

16 (2) The material witness shall be afforded reasonable opportunity for private  
17 consultation with counsel;

18 (3) On order of a court of the United States or on request of an attorney for the  
19 government, the person in charge of the corrections facility in which material  
20 witness is confined shall deliver the material witness to a United States  
21 Marshal for the purpose of an appearance in connection with a court  
22 proceeding or for providing testimony in connection with a case pending in  
23 this Court; and

24 (4) The Clerk shall direct copies of this Order to counsel for the United States,  
25 counsel for the material witness, the United States Marshal, and the United  
26 States Pretrial Services Officer.

01 DATED this 25th day of August, 2006.

02  
03   
04 JAMES P. DONOHUE  
05 United States Magistrate Judge  
06  
07  
08  
09  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26